

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ELIA LEON, individually and as personal
representative of the estate of MARTIN LEON,
deceased,

Plaintiff,

vs.

No. CIV 13-1005 JB/SCY

FEDEX GROUND PACKAGE SYSTEM, INC.,

Defendant.

ORDER¹

THIS MATTER comes before the Court on the Plaintiff's Objections to Defendant's Deposition Designations of the Deposition of Officer Steven Shutiva, filed February 17, 2016 (Doc. 168). The Court held a hearing on February 19, 2016. Plaintiff Elia Leon objects to some of Defendant FedEx Ground Package System, Inc.'s designations of Steven Shutiva's deposition testimony as trial testimony. The Court rules on E. Leon's objections as follows:

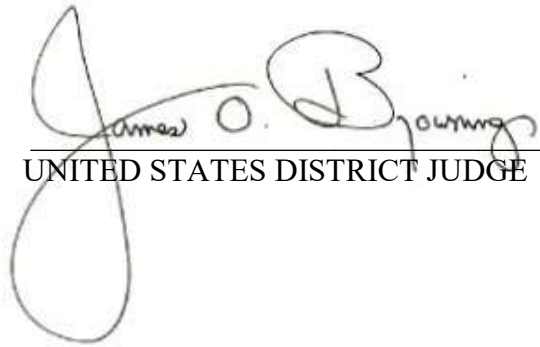
<u>Designation</u>	<u>Ruling</u>
12:10-14:9 [14:16 highlighted in transcript]	Overruled: 12:10-17 Sustained: 12:17-19 Overruled: 12:20-13:25 Sustained: 14:1-14:9 Overruled: 14:10-16: "anything" Sustained: 14:16 : "or recall anything at all"
31:18-34:25	Overruled: 31:18-32:12

¹This Order disposes of the Plaintiff's Objections to Defendant's Deposition Designations of the Deposition of Officer Steven Shutiva, filed February 17, 2016 (Doc. 168). The Court may, however, at a later date issue a Memorandum Opinion more fully detailing its rationale for this decision.

	<p>Sustained: 32:12-16</p> <p>Overruled: 32:17-33:12</p> <p>Sustained: 33:13-15</p> <p>Overruled: 33:16-19</p> <p>Sustained: 33:20-21</p> <p>Overruled: 33:22-34:6: delete “that”</p> <p>Sustained: 34:7: delete “he was sleeping on the side of the road”</p> <p>Overruled: 34:7-18 (through “me”)</p> <p>Sustained: 34:18-25</p>
33:16-21	<p>Overruled: 33:16-19</p> <p>Sustained: 33:20-21</p>
34:20-35:6	Overruled: 34:20-35:6
36:13-20	Sustained: 36:13-20
37:6-13	<p>Sustained: 37:6-10</p> <p>Overruled: 37:11-13</p>
35:1-37:25	<p>Overruled: 35:1-19 (through “later”)</p> <p>Sustained: 35:19-36:1-20</p> <p>Overruled: 36:21-24</p> <p>Sustained: 36:25-37:10</p> <p>Overruled: 37:11-16</p> <p>Sustained: 37:17 (through “reconstruction”)</p> <p>Overruled: 37:17-23 (through “statement”)</p> <p>Sustained: 37:23-25</p>
38:1-41:25	<p>Overruled: 38:1-5 (through “post”)</p> <p>Sustained: 38:5-6 (through “citation”)</p> <p>Overruled: 38:6-41:25</p>
42:1-45:25	<p>Sustained: 42:1-9 (through “offense”)</p> <p>Overruled: 42:9-21 (through “Again”)</p> <p>Sustained: 42:21-22 (through “that”)</p> <p>Overruled: 42:22-43:5 (through “recall”)</p>

	<p>Sustained: 43:5-11</p> <p>Overruled: 43:12-19</p> <p>Sustained: 43:20-23</p> <p>Overruled: 43:23-25 (through “him”)</p> <p>Sustained: 43:25-44:1 (through “asleep”)</p> <p>Overruled: 44:1-14 (through “hospital”)</p> <p>Sustained: 44:14</p> <p>Overruled: 44:15-19 (through “again”)</p> <p>Sustained: 44:19-21 (through “happened”)</p> <p>Overruled: 44:21-25 (through “hospital”)</p> <p>Sustained: 44:25-45:2</p> <p>Overruled: 45:3-6</p> <p>Sustained: 45:6: delete “shocked, or”</p> <p>Overruled: 45:6-10 (through “anything”)</p> <p>Sustained: 45:10-11</p> <p>Overruled: 45:11-13 (through “hospital”)</p> <p>Sustained: 45:13-14</p> <p>Overruled: 45:15-17 (through “room”)</p> <p>Sustained: 45:17-18</p> <p>Overruled: 45:19-25</p>
46:1-49:23	<p>Overruled: 46:1-4</p> <p>Sustained: 46:5-47:4</p> <p>Overruled: 47:5-48:14</p> <p>Sustained: 48:14-24</p> <p>Overruled: 48:25-49:8 (through “report”)</p> <p>Sustained: 49:8-49:10</p> <p>Overruled: 49:11-14 (through “first”)</p> <p>Sustained: 49:14-23</p>

IT IS ORDERED that the Plaintiff's Objections to Defendant's Deposition Designations of the Deposition of Officer Steven Shutiva, filed February 17, 2016 (Doc. 168), are sustained in part and overruled in part as stated herein.



UNITED STATES DISTRICT JUDGE

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